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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,335	07/17/2003	Gary Stephens	22171.365	3288

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HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

EXAMINER

GONZALEZ, AMANCIO

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,335

Applicant(s)

STEPHENS ET AL.

Examiner

Amancio Gonzalez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Denman et al. (US Pat 6490451).

Consider claim 1, Denman discloses a method for performing a hard handoff of a call for a mobile unit operating in a packet communications network (**see the Title and Abstract, which shows that the hard handoff takes place in a packet-switched network, and col. 24 lines 14 and fig. 10, where Denman discusses a hard handoff**). Denman continues to disclose establishing a first link between a node connected to an existing radio resource serving the call and a target media gateway connected to a target radio resource for serving the call after the hard handoff (**see col. 24 lines 46-65**). Denman shows, before the hard handoff is executed, simultaneously transmitting call information from both the target radio resource and the existing radio resource to the mobile unit (**see col. 24 lines 35-39**), and also discloses executing the hard handoff (**see col. 24 lines 53-65 and fig. 10**). Denman proceeds to show wherein

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after the hard handoff is executed, transmitting the call information [takes place] only from the target radio resource (**see col. 25 lines 27-43**).

Consider claim 2, Denman teaches claim 1 above, and further teaches wherein the call is a packet voice call and the first link between the node and target media gateway is for transmitting packet voice call information (see col. 1 lines 7-11, col. 3 lines 45-50, col. 9 lines 4-9).

Consider claims 3 and 4, Denman teaches claim 1 above, and further teaches the precondition and post-condition of network elements involved in the process of a hard handoff (refer to the hard handoff process as discussed by Denman -see col. 24 lines 46-65 and fig. 10).

Consider claim 5, Denman teaches claim 1 above, and further teaches wherein the packet communications network is a Code Division Multiple Access (CDMA) network and the mobile unit is a cellular telephone (see col. 6 lines 11-17, col. 12 lines 43-47).

Consider claim 6, Denman teaches claim 1 above, and further teaches wherein the node is an existing media gateway (see the Abstract, col. 3 lines 60-67 and col. 4 lines 1-3, col. 6 lines 53-58).

Consider claim 7, Denman teaches claim 1 above, and further teaches wherein node is connected to a circuit-switched voice network (see col. 6 lines 37-39, col. 9 lines 57-59).

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Consider claim 8, Denman teaches claim 1 above, and further teaches wherein the system includes a call server (see co. 7 lines 38-57, col. 9 lines 4-9, col. 4, lines 25-27).

Consider claim 9, Denman discloses a method for performing a hard handoff of a call for a mobile unit operating in a packet communications network (**see the Title and Abstract, which shows that the hard handoff takes place in a packet-switched network, and col. 24 lines 14 and fig. 10, where Denman discusses a hard handoff**). Denman discloses establishing a speech path to the target radio resource through a target node associated with the target radio resource (**see col. 20 lines 42-51 and fig. 8, col. 23 lines 65-67, col. 24 lines 1-13 and fig. 9, col. 25 lines 18-26, col. 27 lines 48-52**). Denman, having shown establishing a speech path in the handoff process as stated above, implicitly discloses instructing the target node to transmit speech to the mobile unit through the target radio resource before the hard handoff occurs, and farther shows performing the hard handoff (**see col. 24 lines 53-65 and fig. 10**).

Consider claim 10, Denman teaches claim 9 above, and further teaches wherein the target node is a target media gateway connected to a second packet voice network different from the first packet voice network (see Denman: col. 24 lines 22-27).

Consider claim 11, Denman teaches claim 9 above, and further teaches wherein node is connected to a circuit-switched voice network (see Denman: col. 6 lines 37-39, col. 9 lines 57-59).

Consider claims 12 and 13, Denman, teaches claim 9 above, and further teaches wherein upon completion of the hard handoff, stopping a transmission of speech to the mobile unit from a previously used radio resource (see Denman: col. 25 lines 27-43).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denman et al. (US Pat 6490451) in view of Ekman (US Pat 6807422).

Consider claim 14, Denman discloses a media gateway comprising a control interface for receiving control information from a remote node (**see Denman: Abstract, col. 3 lines 63-67, col. 4 lines 1-3 and 34-37, col. 6 lines 37-47, col. 29 lines 39-47**). Denman implicitly discloses a processor for performing instructions response to

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received control information **(control functions are executed by processors which are inherent elements of a communication network –see Denman: the Abstract, col. 3 lines 45-50)**. Denman discloses a memory for storing a plurality of instructions, wherein the instructions include instructions, responsive to a potential hard handoff from a first radio resource to a second radio resource being identified, for splitting a speech path from the first call port to both the second call port and to the third call port, wherein the first call port connects to a first terminal unit, the second call port connects to a mobile unit through the first radio resource, and the third call port connects to the mobile unit through the second radio resource and instructions, responsive to a completion of a hard handoff from the first radio resource to the second radio resource, for modifying the speech path to drop the second call port **(the invention includes implementations as a network of computer, with all instruction for processing the required functions of the system are stored in computer memory –see Denman: col. 30 lines 39-67 and col. 31 lines 1-3)**.

Denman discloses a communication system that handles calls between networks implementing media gateways, however does not particularly refer to a first, second, and third call ports for transmitting and receiving packet call information. Ekman, in the same field of invention, discloses a gateway having a set of selectable ports which could be termed as a first, second, and third call ports for transmitting and receiving packet call information as well **(see Ekman: col. 4 lines 16-31)**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Denman as taught by Ekman, thus effectively routing calls in inter-gateway handoffs.

Consider claims 15 and 16, Denman, as modified by Ekman, teaches claim 14 above, and further teaches the precondition and the post-condition of network elements involved in the process of a hard handoff (refer to the hard handoff process as discussed by Denman -see col. 24 lines 46-65 and fig. 10).

Consider claims 17 and 19, Denman, as modified by Ekman, teaches claim 14 above, and Ekman further teaches inter-gateway call handling and port connections (see Ekman: Abstract, col. 3 lines 65-67 and col. 4 lines 1-31).

Consider claim 18, Denman, as modified by Ekman, teaches claim 15 above, and Ekman further teaches inter-gateway call handling and port connections (see Ekman: Abstract, col. 3 lines 65-67 and col. 4 lines 1-31).

Consider claim 20, Denman, as modified by Ekman, teaches claim 14 above, and further teaches wherein the instructions further include instructions for converting call information traveling between the first and second call ports to a packet-based format for the first call port and to a format suitable for the first radio resource for the second call port (see Denman: claims 32 and 49).

Conclusion

6. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

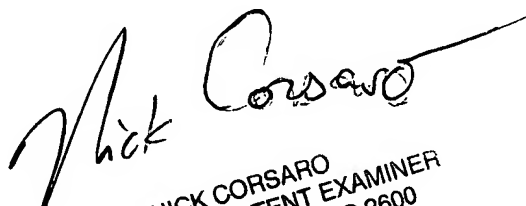
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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amancio González
AG/ag

December 5, 2006

A handwritten signature in black ink that reads "Nick Corsaro". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

NICK CORSARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600